

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DEL RIO DIVISION**

LEONARDO BUENTELLO

VS.

WAL-MART STORES, INC.

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C.A. NO. 2:19-cv-102

JURY DEMANDED

**NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441**

TO THE CLERK OF THE ABOVE ENTITLED COURT:

Please take notice that Defendant, Wal-Mart Stores, Inc. (now known as Walmart Inc.) hereby removes to the Court the state action described below.

1. On August 20, 2019, a civil action was commenced, in the 193rd Judicial District Court of Maverick County, Texas, entitled *Leonardo Buentello v. Wal-Mart Stores, Inc.*; Cause No. 2019CI22781. A copy of Plaintiff's Original Petition is attached hereto as **Exhibit A**.

2. Service of summons and complaint was made on Defendant, Wal-Mart Stores, Inc. by process server on November 20, 2019. Defendant, Wal-Mart Stores, Inc. (now known as Walmart Inc.) first received a copy of said Petition on November 22, 2019. A copy of the Citation is attached hereto as **Exhibit B**.

3. Defendant has filed an Original Answer, which is attached as **Exhibit C**, a Demand for Jury Trial, which is attached as **Exhibit D** and a Notice of Filing of Removal to Federal Court, attached as **Exhibit E**. Defendant has attached all process, pleadings, and orders in the State Court action as required by 28 U.S.C. 1446(a).

**JURISDICTION AND VENUE**

4. The action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. § 1332 (Diversity Jurisdiction), and is one which may be removed to this Court pursuant to Title 28 U.S.C. § 1441. There is complete diversity of citizenship amongst the parties. Defendant Wal-Mart Stores, Inc. (now known as Walmart Inc.) is incorporated under the laws of

the state of Delaware with its principal place of business in Bentonville, Arkansas<sup>1</sup>. As such, Defendant Wal-Mart Stores, Inc. (now known as Walmart Inc.) is not a Texas citizen. Plaintiff is a Texas citizen, with his residence in Maverick County, Texas.

5. The amount in controversy exceeds the sum of Seventy-five Thousand Dollars (\$75,000.00), exclusive of interest and costs. *See page 1 of Plaintiff's Original Petition.*

7. Venue is proper in the Western District of Texas, Del Rio Division because this District and Division embrace the place in which the action is pending.

Dated: December 18, 2019

Respectfully submitted,

Daw & Ray  
A Limited Liability Partnership

/s/ Willie Ben Daw, III  
Willie Ben Daw, III; TBN: 05594050  
Email: wbdaw@dawray.com  
James K. Floyd; TBN: 24047628  
Email: jfloyd@dawray.com  
14100 San Pedro Ave., Suite 302  
San Antonio, Texas 78232  
(210) 224-3121 Telephone  
(210) 224-3188 Facsimile

**ATTORNEYS FOR DEFENDANT**

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<sup>1</sup> On February 1, 2018, Wal-Mart Stores, Inc., changed its name to Walmart Inc. The state of incorporation and principal place of business is the same for both entities.

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known counsel of record by Electronic Service on this 18<sup>th</sup> day of December, 2019.

Hector Gonzalez  
Gonzalez & Associates, P.C.  
269 N. Ceylon Street  
Eagle Pass, Texas 78852

Email: [hector@gonzalezandassociates.org](mailto:hector@gonzalezandassociates.org)

/s/ *Willie Ben Daw, III*  
Willie Ben Daw, III

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**INDEX OF DOCUMENTS FILED WITH REMOVAL ACTION**

- (A) Plaintiff's Original Petition
- (B) Citation
- (C) Defendant's Original Answer
- (D) Defendant's Demand for Jury Trial
- (E) Notice of Filing of Removal to Federal Court
- (F) List of Counsel of Record